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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

UELIAN DE ABADIA-PEIXOTO, *et al.*,
 Plaintiffs,
 v.
 UNITED STATES DEPARTMENT OF
 HOMELAND SECURITY, *et al.*,
 Defendants.

Case No.: 3:11-cv-4001 RS
CLASS ACTION
DECLARATION OF PAUL CHAVEZ
IN SUPPORT OF PLAINTIFFS’
UNOPPOSED MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT
 Date: April 10, 2014
 Time: 1:30 p.m.
 Judge: Honorable Richard Seeborg
 Ctrm: 3, 17th Floor

DECLARATION OF PAUL CHAVEZ
3:11-cv-4001 RS

6206226

1 I, Paul Chavez, declare:

2 1. I am a Staff Attorney with the Lawyers' Committee for Civil Rights of the San
3 Francisco Bay Area ("Lawyers' Committee"), co-counsel for Plaintiffs Uelian De Abadia-
4 Peixoto, Esmar Cifuentes, Pedro Nolasco, and Mi Lian Wei in the above-captioned action. I
5 submit this Declaration in support of Plaintiffs' Unopposed Motion in Support of Final Approval
6 of Class Action Settlement. I have personal knowledge of the facts set forth herein and, if called
7 as a witness, could and would testify competently thereto.

8 2. I have been a member of the California bar with an active litigation practice since
9 January 2006. I graduated from the University of California, Berkeley School of Law in 2005.
10 After graduation, I served as a litigation associate at the law firm Donahue Gallagher Woods
11 LLP until June 2009. Thereafter I joined Centro Legal de la Raza and litigated workers' rights
12 cases, until I joined the staff of Lawyers' Committee in April 2010.

13 3. The Lawyers' Committee is a civil rights and legal services organization devoted
14 to advancing the rights of people of color, low-income individuals, immigrants and refugees, and
15 other under-represented persons. Lawyers' Committee has an extensive history of litigating
16 federal court cases, including class actions, on behalf of our clients. Our organization typically
17 litigates such cases in conjunction with *pro bono* counsel, combining Lawyers' Committee's
18 expertise in civil rights and impact litigation with the resources and experience of the private bar.

19 4. My colleagues and I have recorded significant time to this action. For example, I
20 recorded approximately 398 hours to this action from 2011 through December 2013.¹

21 5. Applying the average maximum hourly billing rates under the Equal Access to
22 Justice Act ("EAJA"),² this recorded time corresponds to a total of approximately \$73,224.04.
23 This amount excludes time recorded by eight other LCCR attorneys and staff, including two
24 senior staff attorneys who each have more than fifteen years of experience in civil and

25 ¹ The increase in hours since my declaration in support of preliminary approval of the settlement
26 submitted on December 19, 2013 reflects additional time spent through December 31, 2013.

27 ² The statutory maximum hourly rates (adjusted for increases in the cost of living) were \$180.59,
28 \$184.32, and \$187.02 for 2011, 2012, and 2013 under the EAJA, as provided by the United
States Court of Appeals for the Ninth Circuit. The average maximum for these years (\$183.98)
multiplied by total hours billed (398 hours) equals \$73,224.04.

1 immigrants' rights impact litigation, including class actions. This amount also excludes
 2 expenditures for filing, transportation, and other costs associated with this action.

3 6. It has been and remains my general practice to keep contemporaneous records for
 4 all time spent and to enter all of my time for any particular case, on a particular day, in a single
 5 entry for that case and on that date. It is also my practice to include sufficient detail in my time
 6 entries to describe the nature of the work I performed on that particular case. I followed these
 7 practices throughout this case. My time records reflect no more than the time actually spent, and
 8 in many cases actually reflect less time than I spent.

9 7. In negotiating the settlement of this action, the issue of fees was not negotiated
 10 until after the parties had reached an agreement in principle on the substantive aspects of the
 11 settlement. Magistrate Judge Beeler also provided substantial assistance in negotiating the
 12 agreed upon fee amount. The amount of the agreed upon fee was included in the notice to the
 13 class. *See, e.g., Declaration of Angie Young Kim Ex. 2.*

14 I declare under penalty of perjury that the foregoing is true and correct to the best of my
 15 knowledge. This declaration was executed on this 6th day of March, 2014, in San Francisco,
 16 California.

17 /s/ Paul Chavez
 18 Paul Chavez

19 **SIGNATURE ATTESTATION**

20 I, Catherine E. Moreno, attest that I obtained the concurrence of Paul Chavez in filing this
 21 document. I declare under penalty of the laws of the United States that the foregoing is true and
 22 correct.

23 Executed this 6th day of March, 2014 in Palo Alto, California.

24 /s/ Catherine E. Moreno
 25 Catherine E. Moreno